

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
MATTHEW WRIGHT,

Plaintiff,

-against-

CITY OF NEW YORK, POLICE OFFICER ELISHA
DUNCAN, POLICE OFFICER JOHN RUDDEN,
SERGEANT TERESA SADLIER, POLICE OFFICER
BRIAN O'KEEFE, POLICE OFFICER DANIEL CASTRO,
and JOHN/JANE DOE # 1 - 5,

Defendants.
-----x

NOTICE OF ACCEPTANCE

16 Civ. 1397 (RWS)

PLEASE TAKE NOTICE that Plaintiff Matthew Wright hereby accepts Defendant City of New York's Offer of Judgment pursuant to Federal Rules of Civil Procedure Rule 68 dated June 16, 2017, a copy of which is annexed hereto as Exhibit "1".

Dated: New York, New York
June 16, 2017

By: /s/
Gregory P. Mouton, Jr., Esq.
MoutonDell'Anno LLP
Attorneys for Plaintiff Matthew Wright
305 Broadway, 7th Floor
New York, NY 10007
Phone & Fax: (646) 706-7481

To:

Colin Ceriello, Esq. (via ECF)
New York City Law Department
Attorneys for Defendants
100 Church Street
New York, NY 10007

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
MATTHEW WRIGHT,

Plaintiff,

-against-

CITY OF NEW YORK; OFFICER RUDDEN; OFFICER
DUNCAN; SERGEANT SADLIER; OFFICER CASTRO;
and OFFICER O'KEEFE,

Defendants.
----- X

**RULE 68
OFFER OF JUDGMENT**

16-CV-1397 (RWS)

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendants hereby offer to allow plaintiff Matthew Wright to take a judgment against the City of New York in this action for the total sum of Five Thousand and One (\$5,001.00) Dollars, plus reasonable attorneys' fees, expenses, and costs to the date of this offer for plaintiff's federal claims.

This judgment shall be in full satisfaction of all federal and state law claims or rights that plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendants or any official, employee, or agent, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

This offer of judgment may only be accepted up to and including June 30, 2017.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by defendants or any official, employee, or agent of the City of New York, or any agency thereof; nor is it an admission that plaintiff has suffered any damages.

Acceptance of this offer of judgment will act to release and discharge defendants; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by plaintiff arising out of the facts and circumstances that are the subject of this action.

Acceptance of this offer of judgment also will operate to waive plaintiff's rights to any claim for interest on the amount of the judgment.

Plaintiff Matthew Wright agrees that payment of Five Thousand and One (\$5,001.00) Dollars within ninety (90) days of the date of acceptance of the offer shall be a reasonable time for such payment, unless plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part. If plaintiff Matthew Wright is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date plaintiff submits to counsel for defendants a final demand letter from Medicare.

By acceptance of this Rule 68 Offer of Judgment, plaintiff Matthew Wright agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer, and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26. Plaintiff Matthew Wright further agrees to hold harmless defendants and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, regarding any past and/or future Medicare payments, presently known or unknown, made in connection with this matter.

The judgment shall contain and recite the terms and conditions set forth herein.

Dated: New York, New York
June 16, 2017

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
*Attorney for Defendants City, Sadlier, Duncan,
Castro, and O'Keefe*
100 Church Street, Room 3-306
New York, New York 10007
(212) 356-5052

By



Colin McCann Ceriello
Assistant Corporation Counsel

To: *VIA HAND DELIVERY*
Gregory P. Mouton, Esq.
MoutonDell'Anno
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New York, New York 10007